

REMARKS

Claims 1-2, 4-6, 8-11, 13-19, 21, 23-26, and 28-32 are pending in the application. Claims 1, 2, 15, 16, 18, 19, 30, and 31 have been amended, leaving claims 1-2, 4-6, 8-11, 13-19, 21, 23-26, and 28-32 for consideration upon entry of the present amendment.

Claims 1-2, 4-6, 8-11, 13-19, 21, 23-26, and 28-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Walter (U.S. 3,057,136) in view of Ebira (U.S. 5,174,430). For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d 1016, 1023 (Fed. Cir. 1996).

Claims 1-2, 4-6, 8-11, 13-19, 21, 23-26, and 28-32 include the following limitations: "a movable conveyor that is positioned to deliver the product to each of said plurality of lanes, said movable conveyor extends under one of said plurality of lanes; a conveyor shifting assembly that is adapted to move said movable conveyor from one of said plurality of lanes to an adjacent one of said plurality of lanes." Walter and Ebira do not teach or suggest those limitations.

As set forth in the claims, the movable conveyor extends under one of the lanes, and it is that movable conveyor that then moves from lane to lane. Thus, the movable conveyor must extend under one of the lanes and move from one lane to an adjacent lane. In Walter, the conveyor, which is positioned to deliver the product to the lanes, does not extend under one of the lanes. Instead, the conveyor ends at the beginning of the lane and the product moves off of the conveyor 10 onto support rails 18. The product is then advanced along the support rails because of line pressure. In Ebira, there is a wide conveyor 1 that is located under all of the lanes; however, because the wide conveyor 1 extends under all of the lanes, the wide conveyor cannot and does not move from one lane to an adjacent lane. Instead, the conveyor that moves from lane to lane is the vertical conveyor 3,3; however, the vertical conveyor 3,3 is not the conveyor that extends under one of the lanes. Thus, neither reference teaches moving the conveyor, which extends under one of the lanes, from one lane to an adjacent lane. Accordingly, Applicants respectfully request that the rejection be withdrawn.

In addition, claims 2 and 19 also include the following limitation: "wherein said support device includes a support strip, said support strip being located at each of said

plurality of lanes and is located beneath said movable conveyor, said support strip supports the product when said movable conveyor is moved from beneath one of said plurality of lanes. Walter and Ebira do not teach or suggest this limitation.

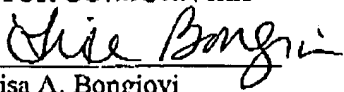
In Walter, the conveyor is not located beneath the plurality of lanes and thus, Walter does not teach or suggest locating a support strip beneath the conveyor. Instead, Walter teaches that the support strip is located next to the conveyor. In Ebira, the wide conveyor is always located at the lanes and there is no support strip beneath the conveyor. Moreover, because neither reference teaches moving the moveable conveyor from lane to lane, neither reference teaches that the support strip supports the product when the moveable conveyor is moved from beneath one of the lanes. Accordingly, for this additional reason, Applicants respectfully request that the rejection as to claims 2 and 19 be withdrawn.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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